

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:15cr302-RJC

UNITED STATES OF AMERICA)	
)	
v.)	FINAL ORDER AND JUDGMENT
)	CONFIRMING FORFEITURE
(1) ANTHONY LEON BOST)	
(3) RONALD CLEMENCEAU)	
HARGETTE, JR.)	
(4) ANTHONY GEROD WOODS)	
(5) SHAMONE SHANTE BLACK)	

Upon Motion of the United States for a Final Order and Judgment of Forfeiture, (Doc. No. 180), the Court finds as follows:

All defendants have consented to Orders of Forfeiture for the following firearms seized from defendants during their apprehension on or about November 10, 2015¹.

One Hi-Point Firearms, Model CF380, .380 caliber handgun, serial number P879218 and ammunition; and

One Smith & Wesson, Model 59, 9mm pistol, serial number A372749 and ammunition.

From December 8, 2016, through January 6, 2017, the United States published, via www.forfeiture.gov, notice of this forfeiture and of the intent of the Government to dispose of the forfeited Hi-Point Firearms, Model CF380, .380 caliber handgun, according to law, and notice to all third parties of their right to petition the Court within sixty days of December 8, 2016 for a hearing to adjudicate the validly of any alleged legal interest in the firearm. (Doc. No. 153). No petitions have been filed.

¹On January 13, 2016, this Court entered an Order of Forfeiture for Defendant Woods (Doc. No. 52); on March 23, 2016, this Court entered an Order of Forfeiture for Defendant Hargette (Doc. No. 67); and on July 29, 2016, this Court entered an Order of Forfeiture for Defendants Black and Bost (Doc. Nos. 105 and 108).

From March 23, 2017, through April 21, 2017, the United States again published, via www.forfeiture.gov, notice of this forfeiture and of the intent of the Government to dispose of the forfeited Smith & Wesson, Model 59, 9mm pistol according to law, and notice to all third parties of their right to petition the Court within sixty days of March 23, 2017 for a hearing to adjudicate the validity of any alleged legal interest in the firearm. (Doc. No. 169). No petitions have been filed.

On October 7, 2016 and December 9, 2016, the United States sent personal notice to the following individuals who reasonably appeared to be potential claimants of the firearms, including but not limited to the following last known registered owners of the firearms: Michael Chapman Austin, Estates of Michael Chapman Austin and Taormina Denaye Parks. Notice was sent via Certified Mail, Return Receipt request, to the recipients' last known addresses, notifying the recipients of this forfeiture action and of the Government's intent to dispose of the forfeited property in accordance with the law, and of their right to submit a verified claim to this Court within thirty (30) days of the receipt of the notice. The notice to Estates of Michael Chapman Austin was delivered on October 11, 2016. The notices to Mr. Austin and Ms. Parks were returned "Unable to Forward." (Doc. No. 161).

On October 20, 2016, Kathy J. Austin ("Petitioner") filed a letter asserting an interest in one of the firearms subject to forfeiture. (Doc. No. 126). On March 7, 2017, the United States filed a Motion to Strike Petitioner's Claim, (Doc. No. 167). On September 22, 2017, this Court entered an Order Granting the Government's Motion to Strike Petitioner's Claim (Doc. No. 172). No other petitions have been filed.

Based on the foregoing record, issuance of a Final Order is now appropriate.

IT IS, THEREFORE, ORDERED:

In accordance with Rule 32.2(c)(2), the Orders of Forfeiture are confirmed as final. All right, title and interest in the entirety of the following property seized from Defendants is forfeited to the United States for disposition according to law pursuant to Fed. R. Crim P. 32.2, 18 U.S.C. § 924 and/or 28 U.S.C. § 2461(c), and the United States shall have clear title to the property as set forth in 21 U.S.C. § 853(n):

One Hi-Point Firearms, Model CF380, .380 caliber handgun and ammunition; and

One Smith & Wesson, Model 59, 9mm pistol and ammunition.

Signed: August 15, 2018



Robert J. Conrad, Jr.
United States District Judge

